

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN DAVE LEWIS**, on February 25, 2003 at 3:40 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Dave Lewis, Chairman (R)
Rep. Rosalie (Rosie) Buzzas, Vice Chairman (D)
Rep. Edith Clark, Vice Chairman (R)
Rep. John Brueggeman (R)
Rep. Tim Callahan (D)
Rep. Stanley (Stan) Fisher (R)
Rep. Eve Franklin (D)
Rep. Dick Haines (R)
Rep. Donald L. Hedges (R)
Rep. Joey Jayne (D)
Rep. Carol C. Juneau (D)
Rep. Dave Kasten (R)
Rep. Christine Kaufmann (D)
Rep. Monica Lindeen (D)
Rep. John Musgrove (D)
Rep. Jeff Pattison (R)
Rep. Rick Ripley (R)
Rep. John Sinrud (R)
Rep. John Witt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jon Moe, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: None
Executive Action: HB 632, HB 554, HB 120, HB 643, HB 724, HB 249

EXECUTIVE ACTION ON HB 632

Motion: REP. HEDGES moved that HB 632 DO PASS.

Substitute Motion/Vote: REP. KASTEN made a substitute motion that HB 632 BE TABLED. Substitute motion carried 11-8 with REPS. BUZZAS, CALLAHAN, FRANKLIN, JAYNE, JUNEAU, LINDEEN, MUSGROVE and PATTISON voting no on a roll call vote.

EXECUTIVE ACTION ON HB 554

Motion: REP. KASTEN moved that HB 554 DO PASS.

Motion: REP. KASTEN moved that HB 554 BE AMENDED.
EXHIBIT (aph42a01)

REP. KASTEN explained the amendment, Exhibit 1.

REP. KAUFMANN said this issue was discussed in subcommittee in order to justify the ranking of projects under HB 7. "How does the amendment affect that ranking?" REP. KASTEN said, "It does not affect the ranking."

Vote: Motion on Amendment HB055401.ajm carried unanimously 19-0 on a roll call vote.

Motion/Vote: REP. KASTEN moved that HB 554 DO PASS AS AMENDED. Motion carried unanimously 19-0 on a roll call vote.

EXECUTIVE ACTION ON HB 120

Motion: REP. FRANKLIN moved that HB 120 DO PASS.

Motion/Vote: REP. FRANKLIN moved that HB 120 BE AMENDED. Motion carried unanimously 19-0 on a voice vote.
EXHIBIT (aph42a02)

Discussion:

REP. BUZZAS said this is an important bill for the Sheriffs' Association in retaining detention facility workers and so she asked the committee to favorably consider this bill.

REP. WITT said taxes will actually be raised on the counties if this bill is passed.

REP. FISHER said the committee is being asked to decide an issue that is not monetary and he feels they should not make a decision on it.

REP. CALLAHAN spoke in favor of the bill. He said some of the testimony against the measure was that detention officers are not certified and don't go through training. He thinks that is inaccurate as they do go through a fairly rigorous training at the Law Enforcement Academy and that is required under statute.

REP. HEDGES said he would have to oppose the measure as presented.

REP. FRANKLIN asked the committee to consider a couple of points: (1) The hearing was brief even though this bill was referred to the committee to look at a Constitutional issue and (2) detention work for correctional officers is a very dangerous job.

Motion/Vote: **REP. FISHER** made a substitute motion that **HB 120 BE TABLED**. Motion failed 9-10 with **REPS. LEWIS, CLARK, BRUEGGEMAN, FISHER, HEDGES, KASTEN, PATTISON, RIPLEY** and **WITT** VOTING yes on a roll call vote.

Motion/Vote: **REP. HEDGES** moved to **REVERSE THE VOTE ON THE TABLED MOTION**. Motion to reverse the vote carried unanimously on a voice vote. **HB 120 Do Pass As Amended 10-9** with **REPS. LEWIS, CLARK, BRUEGGEMAN, FISHER, HEDGES, KASTEN, PATTISON, RIPLEY** and **WITT** voting no on a previous roll call vote.

EXECUTIVE ACTION ON HB 643

Motion: **REP. RIPLEY** moved that **HB 643 DO PASS**.

Substitute Motion/Vote: **REP. HEDGES** made a substitute motion that **HB 643 BE TABLED**. Substitute motion carried 14-5 with **REPS. KASTEN, PATTISON, RIPLEY, SINRUD** and **WITT** voting no on a roll call vote.

EXECUTIVE ACTION ON HB 724

Motion: **REP. CLARK** moved that **HB 724 DO PASS**.

Motion/Vote: REP. FRANKLIN moved that HB 724 BE TABLED. Motion carried 17-2 with REPS. SINRUD and WITT voting no on a roll call vote.

EXECUTIVE ACTION ON HB 249

Motion: REP. PATTISON moved that HB 249 DO PASS.

Substitute Motion/Vote: REP. FISHER made a substitute motion that HB 249 BE TABLED. Substitute motion failed 9-10 with REPS. BUZZAS, CALLAHAN, FISHER, HEDGES, JAYNE, JUNEAU, KAUFMANN, LINDEEN and MUSGROVE voting yes on a roll call vote.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 29.2}

Motion/Vote: REP. PATTISON moved that HB 249 DO PASS. Motion carried 12-7 with REPS. BUZZAS, CALLAHAN, FISHER, FRANKLIN, JAYNE, KAUFMANN AND MUSGROVE voting no on a roll call vote.

EXECUTIVE ACTION ON HB 593

Motion: REP. JUNEAU moved that HB 593 DO PASS.

Motion: REP. JUNEAU moved that HB 593 BE AMENDED. HB059305.alm.
EXHIBIT (aph42a03)

Discussion:

REP. VERONICA SMALL-EASTMAN, sponsor of the bill, explained the amendment, Exhibit 3. She also handed out and explained Exhibits 4 and 5.

EXHIBIT (aph42a04)

EXHIBIT (aph42a05)

REP. LINDEEN asked for further explanation concerning changing the allocation of the percentage within the account. **CHAIRMAN LEWIS** said they are abolishing the shared account and replacing it with a statutory percentage with earmarking. They get the same amount of money but it is guaranteed for the future. He explained the fiscal note. Under current law, it breaks out dollars by Coal Board Conservation Districts, Growth Through Ag and State Library. The Coal Board amount has to be split between the four counties (Big Horn, Musselshell, Richland, and Rosebud), plus the 0.25% and the remainder would still go to the Coal Board. It would be \$2 million for the biennium.

In answer to an interpretation of Montana Code by **REP. PATTISON, Jon Moe, Legislative Fiscal Analyst**, said, "As this is amended, the 7.75% is the correct percent."

CHAIRMAN LEWIS said, "Right now 7.75% is simply set aside in this account. The Governor splits it when the budget recommendation is made. A set percentage is given that totals the 7.75% that would apply in the future. This is taking a portion of the Coal Board portion and giving it to the counties. If they don't use it they have to return it. If the committee wants to give them more money, vote for the amendment."

REP. LINDEEN answered **REP KAUFMANN's** question by saying, "The reason why it puts these counties in a better situation is because it takes 3.47% of that 3.72% that is given to the Coal Board and it is guaranteed that these four counties will get 3.47% of the money that is in the Coal Board Grant." **CHAIRMAN LEWIS** said, "The sponsor could actually leave the Conservation Districts, Growth Through Ag and the State Library in a smaller pool, which would amount to 5%, and then let the Governor split that up in the budget. The sponsor's objective is to get the money off the top for the counties."

{Tape: 1; Side: B; Approx. Time Counter: 0 - 29.2}

REP. JUNEAU withdrew her motion until the committee can do more study on the bill and amendment.

EXECUTIVE ACTION ON HB 569

Motion: **REP. BUZZAS** moved that HB 569 DO PASS.

Motion: **REP. LEWIS** moved that HB 569 BE AMENDED. HB056902.asb.
EXHIBIT (aph42a06)

Motion: **REP. FRANKLIN** moved a CONCEPTUAL AMENDMENT TO AMEND THE AMENDMENT ON HB 569.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 29.2}

Vote: Motion on amendment HB056902.asb carried unanimously on a roll call vote.

Motion: **REP. JUNEAU** moved that HB 569 DO PASS AS AMENDED.
REP. JUNEAU withdrew motion until more study can be made on the new fiscal note.

CHAIRMAN LEWIS made announcements on HB 2 and it will be heard,
March 7, 10, 11, 12 at 8:00 a.m.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 7}

ADJOURNMENT

Adjournment: 5:15 P.M.

REP. DAVE LEWIS, Chairman

MARY LOU SCHMITZ, Secretary

DL/MS

EXHIBIT (aph42aad)